(4)

CRAVR

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NUMBER 1888 /2003.

PETITIONER : Dilip Shukla Son of Mr. Ambika Prasad Shukla aged about 31 years, Resident of Behind Telephone Exchange Telipara, Bipaspur , District, Bilaspur (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
   Through : Its Chief Secretrary
   D.K.S. Bhawan, Mantralaya Raipur C.G.
2. Secretray, Public Work Department
   D.K.S. Bhawan, Mantralaya Raipur
   Chhattisgarh.
3. Suprintendent Engineer, Public
   Work Department, Bilaspur Mandal
   Bilaspur (C.G.)
4. Collector
   Bilaspur District Chhattisgarh.
5. Executive Engineer, Public Work
   Department ,Bilaspur, Division
   Number-2, Bilaspur (C.G.)
6. Union of India
   Through Its Secretrary of Ministry
   of Labour Dictorate, General of
   employment and Training ,New Delhi.

P. R. No. 1239/03
Presented by Shri Santosh Diwedi
dated 25.06.03

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25.6.03
(V.V.S. Murthy)

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27/31/03
27/6/03

Contd....2...

(5) (24)

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS IN THE NATURE OF MANDAMUS/AND/OR, CERTIONARI/AND /OR PROHIBITION AND / OR OTHER APPROPRIATE ORDER/ORDERS.

(30)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1888 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	1-7-2003	

Shri Suresh Pandey, counsel for the petitioner.

Shri Ranbir Singh, Govt. Advocate takes notice on behalf of the respondents 1, 2, 3, 4, and 5.

Shri V.V.S. Murthy, Additional Standing Counsel takes notice on behalf of the respondent No.6 / Union of India.

Heard Shri Suresh Pandey on the question of admission.

The petitioner by this petition filed under Articles 226 / 227 of the Constitution of India has sought relief that a writ in the nature of mandamus be issued to the respondents and in favour of the petitioner for regularizing the petitioner on the post of Draft man Civil in the Public Works Department at Bilaspur by relaxing maximum age limit and further a writ in the nature of mandamus be issued to the respondents and in favour of the petitioner that all the benefits of Government servant as prescribed for the post of Draft man Civil w.e.f. 2-4-1996 be directed to be paid to the petitioner.

I have heard the learned counsel for the parties.

The learned counsel for the petitioner submitted that vide Annexure-P/2 the petitioner was appointed as an apprentice draft man in the Public

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Works Department at Bilaspur as a trainee for a period of 3 years under the Trainee Act(1996) and as per the certificate Anneuxre-P/4 given by the Sub Divisional Officer, Bilaspur, the services of the petitioner were found to be good and the same were appreciated by the said letter and now vide Annexure-P/5 the Superintendent Engineer, Bilaspur Maldal, Bilaspur, has refused to give the appointment to the petitioner which is illegal, since the petitioner was appointed vide Annexure-P/2 on 29-3-1996, therefore, his services must be regularized by the respondents.

If we look into the order Annexure-P/2, a perusal of which reveals that the petitioner was appointed as a trainee apprentice draft man civil from the date he takes over the work for a period of one year and he was entitled for Rs. 610/- per month as stipend as per the order of the Central Labour Ministry dated 26th June 1993. On a perusal of Annexure-P/5 it appears that the petitioner had approached the respondents for giving him regular appointment and on that the respondent / Superintendent Engineer, Bilaspur Mandal, Bilaspur has informed him, as per Annexure-P/5, that the petitioner was appointed for a period of one year for training as a draft man civil apprentice and since a ban has been imposed vide order dated 30th August 1994 by the Finance Department of the State of M.P. and moreover there is no vacancy in the Department only 3 Assistants Draft Man's posts are lying vacant which are exclusively reserved for the S.T. candidates.

आगे देखिये

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Therefore, in view of this, request of the learned counsel for the petitioner cannot be considered and the petitioner cannot be appointed. In view of the orders of the respondents it is clear that the petitioner was appointed for a period of one year as a draft man civil apprentice as trainee and no regular or ad-hoc appointment on the particular post was given to him, it seems as per the letter Annexure-P/5 that there are no vacancy in the Department and moreover a ban was imposed by the State of ~~Chhattisgarh~~ and the department has denied any action on the application of the petitioner.

In view of the above, I do not find any substance in this petition, the same is misconceived and liable to be and is dismissed at the admission stage itself.

In view of this order, I.A. No 5647/2003 stands disposed of.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये